

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

ELIJAH WAFER

Criminal Docket Case:
1:23-CR-015-LMM-RDC-1

MOTION TO SUPPRESS EVIDENCE COLLECTED
BY AUTOMATED LICENSE PLATE READER

COMES NOW, ELIJAH WAFER, by and through undersigned counsel, and hereby moves this Honorable Court to SUPPRESS ALL EVIDENCE seized as a result of the Government's warrantless searches of an Automated License Plate Reader system to locate, stop, and collect evidence against Elijah Wafer. In support of this motion, we show the Court the following:

FACTS

Elijah Wafer was stopped on August 11, 2022 as a result of the Government's search of an Automated License Plate Reader (ALPR) system. We challenge the search as warrantless and unreasonable. It is believed that agents determined Mr. Wafer's location and instructed local law enforcement officers to stop him based on the use of an ALPR system.

AUTHORITY

Although Mr. Wafer was driving around in public view, recent Supreme Court caselaw clarifies that while individuals may have lessened expectations of privacy in certain information they reveal publicly, “[a] person does not surrender all Fourth Amendment protection by venturing into the public sphere.” *Carpenter v. United States*, 138 S. Ct. 2206, 2217 (2018). See also *United States v. Jones*, 565 U.S. 400 (2012). As recognized by five concurring Justices in *Jones* and reaffirmed by the majority in *Carpenter*, “individuals have a reasonable expectation of privacy in the whole of their physical movements” because of the “privacies of life” those movements can reveal. *Carpenter*, 138 S. Ct. at 2217 (citing *Jones*, 565 U.S. at 430 (Alito, J., concurring in judgment); *id.* at 415 (Sotomayor, J., concurring)).

CONCLUSION

WHEREFORE, we submit this motion to suppress evidence and ask to develop evidence so that it may be further briefed after the evidentiary hearing.

Respectfully submitted this 7 February 2023.

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